

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

SYLVESTER E. HARDING, III,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14CV321
)	
MR. SUMMERS, et al.,)	
)	
Defendants.)	

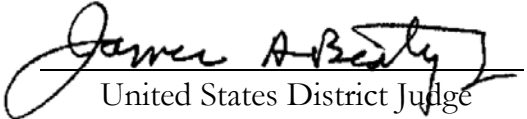
ORDER

On June 13, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties on June 13 and July 1, 2014, pursuant to 28 U.S.C. § 636. Plaintiff filed objections [Doc. #10] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Plaintiff's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #7], which is affirmed and adopted.

The Court notes that Plaintiff has filed an *in forma pauperis* application but has not cured the remaining defects noted in the Recommendation. If Plaintiff chooses to file a new action correcting the defects noted in the Recommendation, he should file a new application to proceed *in forma pauperis*, but may be required to pay some or all of the filing fee based on the assets shown.

IT IS THEREFORE ORDERED that this action is dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects noted in the Recommendation.

This, the 8th day of August, 2014.


United States District Judge